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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DIALLO HAMADOU, MUHAMMAD
SHAHJAHAN, and FRANK ASIEDU, on behalf of
themselves individually, and on behalf of all others
similarly situated,

Plaintiffs,

-against-

HESS CORPORATION, HESS MART, INC.,
MAMADOU GUEYE, TOUS PHILLIP, JORGE
BALL, ABC CORPORATION, and JOHN DOES 1-3,

Defendants.

No. 12 Civ. 0250 (JLC)

**NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION
SETTLEMENT, CERTIFICATION OF THE SETTLEMENT CLASS,
APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND
APPROVAL OF PLAINTIFFS' PROPOSED NOTICES OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Proposed Notices of Settlement ("Motion for Preliminary Approval") and the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Preliminary Approval ("Swartz Declaration"), Plaintiffs respectfully request that the

Court enter an Order:

- (1) granting preliminary approval of the Joint Stipulation of Settlement and Release (“Settlement Agreement”), Decl. of Justin M. Swartz (“Swartz Decl.”) Ex. A;
- (2) certifying the proposed class for settlement purposes;
- (3) appointing Outten & Golden LLP (“O&G”), Fitapelli & Schaffer, LLP (“F&S”) and Xue & Associates, P.C., (“Xue”) as Class Counsel;
- (4) approving the proposed Notices of Proposed Settlement of Class Action and Collective Action Lawsuit and Fairness Hearing, Swartz Decl. Exs. B and C; and;
- (5) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court’s convenience. As instructed during the status conference on November 17, 2014, Plaintiffs will also submit the Proposed Order in Word format to Chambers by email.

Dated: January 16, 2015
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP

/s/ Justin M. Swartz
Justin M. Swartz

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**Attorneys for Plaintiffs and the Putative
Class and Collective**